

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STEWART MANAGO,

Plaintiff,

v.

SANTORO, *et al.*,

Defendants.

Case No. 1:21-cv-01616-NONE-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION
TO PROCEED *IN FORMA PAUPERIS* AS
MOOT
(ECF No. 2)

ORDER DENYING PLAINTIFF'S MOTION
REQUESTING NORTH KERN STATE
PRISON TO SEND FILING FEE TO THE
COURT AS MOOT
(ECF No. 9)

ORDER VACATING FINDINGS AND
RECOMMENDATIONS REGARDING
PLAINTIFF'S MOTION TO PROCEED *IN*
FORMA PAUPERIS
(ECF No. 8)

Plaintiff Stewart Manago ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on November 5, 2021, together with a motion requesting leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.)

On November 8, 2021, the undersigned issued findings and recommendations recommending that Plaintiff's application to proceed *in forma pauperis* be denied and that Plaintiff be required to pay the \$402.00 filing fee in full to proceed with this action. (ECF No. 8.) Those findings and recommendations were served on Plaintiff and contained notice that any

1 objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.)

2 On November 22, 2021, Plaintiff filed a motion to direct prison officials at North Kern
3 State Prison to send the \$402.00 filing fee out of Plaintiff's prison account. (ECF No. 9.) On
4 November 29, 2021, the Court received the \$402.00 filing fee from Plaintiff's trust account.

5 As the filing fee has been paid in full, Plaintiff's motion to proceed *in forma pauperis* and
6 motion for an order directing prison officials to send the filing fee from Plaintiff's prison account
7 are now moot. Plaintiff's complaint will be screened in due course.

8 Accordingly, IT IS HEREBY ORDERED as follows:

- 9 1. Plaintiff's motion to proceed *in forma pauperis*, (ECF No. 2), is DENIED as moot;
10 2. Plaintiff's motion to direct prison officials to North Kern State Prison to send the filing fee
11 out of Plaintiff's prison account, (ECF No. 9) is DENIED as moot; and
12 3. The findings and recommendations to deny Plaintiff's motion to proceed *in forma*
13 *pauperis*, (ECF No. 8), are VACATED.

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15 IT IS SO ORDERED.

16 Dated: December 1, 2021

17 /s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE
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